

EXHIBIT B



INTERIM ORDER

SUBJECT: TRESPASS AFFIDAVIT PROGRAM		
DATE ISSUED:	REFERENCE:	NUMBER:
05-21-12	**A.G. 303 SERIES	23

1. In order to enhance the effectiveness and documentation of vertical patrols in multiple dwelling buildings that participate in the Department's Trespass Affidavit Program, a new Administrative Guide procedure entitled, "Trespass Affidavit Program" has been established and two new Department forms have been created. The first form, entitled, "**TRESPASS CRIMES – OWNER'S AFFIDAVIT (PD651-051)**," will be utilized for Department Trespass Affidavit Program buildings in the Bronx, Brooklyn, Staten Island and Queens (the New York County District Attorney's Office manages a Trespass Affidavit Program in Manhattan and utilizes its own supporting affidavits). The second form, entitled, "**TRESPASS CRIMES – FACT SHEET (PD351-144)**," will be prepared in every instance, including Manhattan, where a uniformed member of the service effects a trespass arrest in a building participating in a Trespass Affidavit Program.

2. Therefore, effective immediately, when a residential multiple dwelling building is appropriate for the Department's Trespass Affidavit Program and the building's owner/authorized agent grants the Department authorization to conduct vertical patrols, the following procedure will be complied with:

PURPOSE To obtain authorization from a multiple dwelling building's owner/authorized agent to conduct vertical patrols, in buildings that are not owned by the New York City Housing Authority.

SCOPE Authorization for vertical patrol, the tactically planned patrol of the interior hallways, stairways and rooftops of multiple dwelling buildings is obtained through the Department's Trespass Affidavit Program. Patrolling multiple dwelling buildings for criminal activity, including trespassing under the Trespass Affidavit Program, is a valuable problem solving tool, as well as an important component of the Department's crime control strategy.

PROCEDURE When past incidents at a residential multiple dwelling building indicate the Department's Trespass Affidavit Program would be useful:

CRIME PREVENTION OFFICER

1. Confer with members of the community and analyze current crime trends to identify multiple dwelling buildings appropriate for the Trespass Affidavit Program.
2. Confer with commanding officer to ensure that the number of buildings in the Trespass Affidavit Program can be patrolled frequently with positive results.
3. Obtain authorization, except in Manhattan, from multiple dwelling building's owner/authorized agent to participate in the Trespass Affidavit Program.
 - a. Have the owner/authorized agent sign a **TRESPASS CRIMES – OWNER'S AFFIDAVIT (PD651-051)** which authorizes the Department to conduct vertical patrols for a period of six months
 - b. Ensure that **TRESPASS CRIMES – OWNER'S AFFIDAVIT(S)** or New York County District Attorney Trespass Affidavits, as appropriate, are properly signed and permit the arrest of persons in the building who are not:

**CRIME
PREVENTION
OFFICER
(continued)**

- (1) Residents; OR
- (2) Guests; OR
- (3) Otherwise authorized to be in the building.

c. Obtain from the owner/authorized agent the keys to the building.

4. Evaluate if a building would benefit from six more months of vertical patrols before the **TRESPASS CRIMES – OWNER’S AFFIDAVIT** or New York County District Attorney Trespass Affidavit, as appropriate, expires.

- a. Confer with commanding officer when a building has been in the program the maximum time period of one year, however, due to exigent circumstances and presence of criminality, more time may be needed to rectify the condition
- b. Notify Chief of Patrol when it has been determined that there is a need for a building to remain in the program beyond the maximum one year period
- c. Forward quarterly report to Chief of Patrol identifying those buildings that were evaluated and determination of building’s final status
- d. To renew participation in the Trespass Affidavit Program follow steps “2” and “3” above.

5. Maintain copies of **TRESPASS CRIMES – OWNER’S AFFIDAVIT(S)** or New York County District Attorney’s supporting affidavits, as appropriate.

6. Maintain a current list of Trespass Affidavit Program buildings containing the following information:

- a. Address and description of location
- b. Nature of problem(s) or condition(s)
- c. Times when illegal activity is prevalent
- d. The expiration date for the affidavit.

7. Ensure that the following are accessible to the desk officer at all times:

- a. **TRESPASS CRIMES – OWNER’S AFFIDAVIT(S)** or New York County District Attorney’s supporting affidavits, as appropriate
- b. **TRESPASS CRIMES – FACT SHEET(S) (PD351-144)**
- c. List of current Trespass Affidavit Program buildings.

COMMANDING OFFICER 8. Ensure that the number of buildings in the Trespass Affidavit Program can be patrolled frequently with positive results.

ADDITIONAL DATA

Commanding officers may utilize precinct community affairs officers to assist in determining and identifying buildings that are appropriate for the Trespass Affidavit Program. Special care should be taken to enroll multiple dwelling buildings that have both demonstrated a specific need for vertical patrol based on complaints and an owner/authorized agent willing to comply with the requirements of the program.

The Community Affairs Bureau, Crime Prevention Section will offer resources (e.g., organize tenant patrol, physical survey of building, etc.) to eradicate existing illegal activity and deterrence from future occurrences.

**ADDITIONAL
DATA
(continued)**

The "TRESPASS CRIMES - OWNER'S AFFIDAVIT (PD651-051)," will be utilized for Department Trespass Affidavit Program buildings in the Bronx, Brooklyn, Staten Island and Queens. The New York County District Attorney's Office manages a Trespass Affidavit Program in Manhattan and utilizes its own supporting affidavits. Therefore, to enroll a multiple dwelling building in Manhattan, members of the service should refer the owner/authorized agent to the New York County District Attorney's Community Affairs Unit.

The "TRESPASS CRIMES - FACT SHEET (PD351-144)," will be prepared in every instance, including Manhattan, where a uniformed member of the service effects a trespass arrest in a building participating in a Trespass Affidavit Program.

For Trespass Affidavit Program buildings in New York County, the crime prevention officer will act as liaison to the New York County District Attorney's Community Affairs Unit. All Department and New York County District Attorney Trespass Affidavit Program affidavits expire six months from the date owner/authorized agent signed affidavit.

Participating owners/authorized agents must post signs prohibiting trespassing on the premises in areas where persons entering the building can readily observe them. Suggested locations for these signs include, the vestibule entrance, vestibule, above the elevator, courtyard, roof and other common areas.

**RELATED
PROCEDURES**

Vertical Patrol (P.G. 212-59)

**FORMS AND
REPORTS**

TRESPASS CRIMES - OWNER'S AFFIDAVIT (PD651-051)
TRESPASS CRIMES - FACT SHEET (PD351-144)

3. Commands will requisition the **TRESPASS CRIMES - OWNER'S AFFIDAVIT (PD651-051)** [Rev. 05-12] and **TRESPASS CRIMES - FACT SHEET (PD351-144)** [Rev. 05-12] through the Quartermaster Section by using the following information:

<u>INDEX NUMBER</u>	<u>PD NUMBER</u>	<u>TITLE</u>
2211	651-051 [Rev. 05-12]	TRESPASS CRIMES - OWNER'S AFFIDAVIT
2210	351-144 [Rev. 05-12]	TRESPASS CRIMES - FACT SHEET

4. Any provisions of the Department Manual or any other Department directive in conflict with the contents of this Order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

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All Commands

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